IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22782 of 2004

Between:

Sri D. Ali Saheb, S/o. Late Khaja Saheb,
R/o. H.No.3/127, Kadivella Village, Yemmiganur Mandal, Kurnool

District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kurnool District.
2 The Mandal Revenue Officer, Yemmiganaur, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not permitting the petitioner to lift the stocks without any valid reasons as illegal, malafide, arbitrary and agaisnt the principles of natural justice and consequently direct the respondents to permit the petitioner to lift the stocks for their respoective F.P. Shops and pass such other order or orders.

Counsel for the Petitioner:MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner claims to be the dealer of a fair price shop of Kadivella Village, Yemmiganur Mandal, Kurnool District. He is said to have been appointed through proceedings, dated 04.05.2002. His complaint is that even while the authorization is in force and is subsisting, the respondents are not supplying the essential commodities.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

As long as a dealer holds valid authorization, he is entitled to be supplied the essential commodities for distribution in the fair price shop. If the dealer is found to have resorted to any irregularities, the appointing authority is vested with the power either to suspend or cancel the authorization, duly following the procedure prescribed under the A.P. State Public Distribution System Control Order, 2001. There cannot be any justification for withholding or refusing stocks to the dealer, without taking any such steps.

Hence, the writ petition is disposed of directing that the respondents shall supply the essential commodities to the petitioner, as long as his authorization is in force.

L.NARASIMHA REDDY, J

Dated : 09th December, 2004

Note: Office to furnish copy

today.

(B/o.)

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To

1 The Revenue Divisional Officer, Kurnool District.
2 The Mandal Revenue Officer, Yemmiganaur, Kurnool District.

3 2CCs to the Government Pleader for Civil Supplies, High

Court Buildings, Hyderabad. (O.U.T)

4 2CD copies.